

AMENDED IN SENATE AUGUST 27, 2010
AMENDED IN SENATE AUGUST 20, 2010
AMENDED IN SENATE SEPTEMBER 3, 2009
AMENDED IN SENATE JULY 23, 2009
AMENDED IN SENATE JUNE 26, 2009
AMENDED IN SENATE JUNE 16, 2009
AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 226

Introduced by Assembly Member Torrico

February 4, 2009

An act to add Sections 31485.18 and 31676.2 to the Government Code, relating to county employees' retirement, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 226, as amended, Torrico. County employees retirement: compensation.

Under existing law, counties and districts may provide retirement benefits to their employees pursuant to the County Employees Retirement Law of 1937 (CERL). CERL specifies the minimum ages and years of service that are required in order to become eligible for retirement. That law generally permits the board of supervisors of a county or the governing board of a district, by resolution adopted by majority vote and pursuant to a memorandum of understanding, as

specified, to make certain formulas for the calculation of benefits for its members based on their classification.

The bill would provide that compensation paid to a retiring member to restore compensation the member would have been entitled to receive pursuant to a collective bargaining agreement fully executed on or before July 1, 2010, that was subsequently deferred or otherwise modified as a result of a concessionary amendment executed prior to September 1, 2010, shall be considered compensation earnable and not be deemed to have been paid for the purpose of enhancing a member's retirement benefit.

This bill would authorize the board of supervisors of the County of Sacramento, by resolution, adopted by majority vote, as part of a negotiated memorandum of understanding with a bargaining unit that represents safety members to require safety employees of that bargaining unit and unrepresented safety employees, first hired after approval of the resolution, to receive a specified pension calculation that applies to safety members and that computes final compensation based upon the average annual compensation earnable during a specified 3-year period.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31485.18 is added to the Government
2 Code, to read:
3 31485.18. (a) Notwithstanding any other provision of this
4 chapter, in a county of the eighth class, as defined in Sections
5 28020 and 28025, as amended by Chapter 1204 of the Statutes of
6 1971, the board of supervisors may, by resolution adopted by
7 majority vote, as part of any negotiated memorandum of
8 understanding with a bargaining unit that represents safety
9 employees, require a safety employee of that bargaining unit, and
10 may also require an unrepresented safety employee, first hired
11 after approval of the resolution, to receive a pension calculation
12 provided in Section 31664.2, with a highest compensation period
13 determined pursuant to Section 31462, and with a
14 cost-of-living-adjustment provided in Section 31870.

1 (b) The resolution described in subdivision (a) may provide a
2 different formula or calculation of retirement benefits for new
3 safety members in one bargaining unit or new unrepresented safety
4 members than that provided for new safety members of other
5 bargaining units or new unrepresented safety members.

6 SEC. 2. Section 31676.2 is added to the Government Code, to
7 read:

8 31676.2. Notwithstanding any provision of this chapter,
9 compensation paid to a retiring member to restore payrate or salary
10 the member would have been entitled to receive pursuant to a
11 collective bargaining agreement fully executed on or before July
12 1, 2010, that was subsequently deferred or otherwise modified as
13 a result of a concessionary amendment executed prior to September
14 1, 2010, shall be considered compensation earnable and not be
15 deemed to have been paid for the purpose of enhancing a member's
16 retirement benefit.

17 SEC. 3. *This act is an urgency statute necessary for the*
18 *immediate preservation of the public peace, health, or safety within*
19 *the meaning of Article IV of the Constitution and shall go into*
20 *immediate effect. The facts constituting the necessity are:*

21 *In order to implement the terms of the negotiated memorandum*
22 *of understanding, it is necessary that this act take effect*
23 *immediately.*